

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2498 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.4, to quash the proceedings in Crime No.4 of 2018 on the file of Sarangapur Police Station, Jagtial District, registered for the offences under Sections 323, 324, 504, 506 read with 34 of I.P.C.

2. Heard the learned counsel for the petitioners/A.1 to A.4, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 to A.4 would submit that due to disputes between the parties to the litigation, false report is lodged with the police by the de-facto complainant. The allegations do not constitute offences punishable under Sections 323, 324, 504, 506 read with 34 of I.P.C. Continuation of proceedings against the petitioners/A.1 to A.4 will amount to abuse of process of law and ultimately prayed to allow the application.

4. As per the material placed on record, due to animosity between the parties to the *lis*, on 12.02.2011, the petitioners/A.1 to A.4 alleged to have beat the de-facto complainant and threatened him with dire consequences. At this stage of dictation of the order, the learned counsel for the

petitioners/A.1 to A.4 requests this Court that a direction be given to the Station House Officer concerned to follow the procedure laid down under Section 41A of Cr.P.C. before arresting the petitioners/A.1 to A.4.

5. Having regard to the nature of allegations levelled against the petitioners/A.1 to A.4, it is not a fit case to quash the proceedings against them. But since the punishment prescribed for the alleged offences is seven years and below, the Station House Officer, Sarangapur Police Station, Jagtial District, is directed to follow the procedure laid down under Section 41A of Cr.P.C. and adhere to the guidelines formulated by the Apex Court in *Arnesh Kumar Vs. State of Bihar*¹.

6. With the above direction, this Criminal Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

28th February, 2018
Bvv

¹ (2014) 8 SCC 273